

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

THE COMMONWEALTH OF PUERTO RICO,
THE EMPLOYEES RETIREMENT SYSTEM
OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO, AND
THE PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY,

Movants,

v.

SUIZA DAIRY CORPORATION,

Respondent.

Re: ECF No. 18320

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico ("Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

**CERTIFICATE OF NO OBJECTION REGARDING DEBTORS' MOTION
FOR ORDER EXCLUDING FACT TESTIMONY OF JANICE RAMIREZ VELEZ
AND EXPERT TESTIMONY OF LEONARDO GIACCHINO [ECF NO. 18320]**

On September 30, 2021, the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Public Buildings Authority (“PBA”), and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and PBA, the “Debtors”) pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)², moved this Court [ECF No. 18320] (the “Motion”) for an order precluding the expert testimony of Dr. Leonardo Giacchino (the “Giacchino Testimony,” which includes the *Unsworn Statement of Dr. Leonardo Giacchino, Ph.D.* [ECF 18072-1] (the “Giacchino Statement”)) and the factual testimony by Ms. Janice Ramirez Velez (the “Ramirez Velez Testimony,” and together with the Giacchino Testimony, the “Suiza Testimony”), which Suiza Dairy Corporation (“Suiza”) intends to proffer at the hearing on the *Seventh Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [ECF No. 17627] (as it may be amended, modified, or supplemented, the “Plan”).

The Motion stated: “The relief requested may be granted without hearing if no objection is timely filed and served in accordance with the Case Management Procedures and the Confirmation Procedures Order.” Motion at 4.

Pursuant to the *Amended Order Establishing Procedures and Deadlines Concerning Objections to Confirmation and Discovery in Connection Therewith* [ECF No. 18394] (the “Amended Confirmation Procedures Order”), Suiza was required to file and serve any objection to the Motion in support of its proffering of the Suiza Testimony at the Plan confirmation hearing

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

on or before October 15, 2021 (the “Objection Deadline”). As set forth below, Suiza did not file an objection to the Motion by the Objection Deadline.

According to the *Fifteenth Amended Case Management Procedures* (the “Case Management Procedures”) [ECF No. 17127-1], the Court may enter an order granting a request for relief, without a hearing, upon receipt of a certificate of no objection (“CNO”, as defined by the Case Management Procedures). *See* Case Management Procedures, Section III, paragraph P.

In accordance with the Case Management Procedures, the undersigned hereby certifies that she is filing this CNO not less than forty-eight hours after the expiration of the Objection Deadline. The undersigned further certifies that she has reviewed the Court’s docket in this case not less than forty-eight hours after expiration of the Objection Deadline and that no objection, responsive pleading, or request for a hearing with respect to the Motion appears on the docket.

WHEREFORE the Debtors respectfully request that the Court enter the proposed order attached hereto as Exhibit A granting the relief requested in the Motion.

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Dated: October 19, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Margaret A. Dale

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Luis F. del Valle-Emmanuelli
Luis F. del Valle-Emmanuelli